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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,372	02/28/2002	Ronald Thomas	0114-00108	6549
7:	590 07/07/2003			
Robert A. Dunn			EXAMINER	
	ge Court, Ste. 500		EXAMINER MCDOWELL, SUZANNE E	SUZANNE E
Auburn Hills, N	VII 48320		ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>				
	•	Application No.	Applicant(s)	
	Office Assistant Control	10/085,372	THOMAS, RONALD	
	Office Action Summary	Examin r	Art Unit	
		Suzanne E. McDo	• • • • • • • • • • • • • • • • • • •	
Period fo	The MAILING DATE of this communication a or Reply	ppears on the cover	heet with the correspondenc address	S
THE - Exte after - If the - If NC - Failu - Any	ORTENED STATUTORY PERIOD FOR REF MAILING DATE OF THIS COMMUNICATION nsions of time may be available under the provisions of 37 CFR SIX (6) MONTHS from the mailing date of this communication. It is period for reply specified above is less than thirty (30) days, a reperiod for reply is specified above, the maximum statutory perior to reply within the set or extended period for reply will, by state the provided by the Office later than three months after the mailed patent term adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however eply within the statutory minino d will apply and will expire SI ute. cause the application to b	er, may a reply be timely filed um of thirty (30) days will be considered timely. K (6) MONTHS from the mailing date of this commun	lication.
1)[Responsive to communication(s) filed on _			
2a)□		 This action is non-fina	al.	
3) [Since this application is in condition for allo closed in accordance with the practice undition of Claims	wance except for for	nal matters, prosecution as to the me	rits is
4)	Claim(s) 1-29 is/are pending in the application	on.		
	4a) Of the above claim(s) 1-8 is/are withdraw	n from consideration		
5)	Claim(s) is/are allowed.			
6)🖂	Claim(s) 9-29 is/are rejected.			
7)	Claim(s) is/are objected to.			
8)[Claim(s) are subject to restriction and	or election requirem	ent.	
Applicati	ion Papers			
9) 🗌 .	The specification is objected to by the Examin	ner.		
10)[The drawing(s) filed on is/are: a) acc	cepted or b) objected	to by the Examiner.	
	Applicant may not request that any objection to		- *	
11)	The proposed drawing correction filed on	is: a)□ approved	b) disapproved by the Examiner.	
	If approved, corrected drawings are required in		n.	
	The oath or declaration is objected to by the E	Examiner.		
Priority u	ınder 35 U.S.C. §§ 119 and 120			
13)	Acknowledgment is made of a claim for forei	gn priority under 35 l	J.S.C. § 119(a)-(d) or (f).	
a)[☐ All b)☐ Some * c)☐ None of:			
	1. Certified copies of the priority docume	nts have been receiv	ed.	
	2. Certified copies of the priority docume	nts have been receiv	ed in Application No	
	3. Copies of the certified copies of the practical application from the International Elec the attached detailed Office action for a list	Bureau (PCT Rule 17	2(a)).	€
	cknowledgment is made of a claim for domes	•		ication)
a)	The translation of the foreign language p	rovisional application	has been received.	cation).
Attachment		, , ,		
2) 🔲 Notice	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) □ N	terview Summary (PTO-413) Paper No(s) otice of Informal Patent Application (PTO-152) her:	
S. Patent and Tra FO-326 (Rev		Action Summary	Part of Paper No. 5	
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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, drawn to an apparatus, classified in class 425, subclass 130.
 - II. Claims 9-29, drawn to a method, classified in class 264, subclass 572.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, that wherein pressurized compressible fluid is injected more than once.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- 5. During a telephone conversation with Robert Dunn on June 26, 2003 a provisional election was made with traverse to prosecute the invention of Group II, claims 9-29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-8 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 9-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Eckardt (US 2001/0017433). Eckardt discloses all of the claimed limitations, including injecting plastic material into a mold cavity, injecting fluid along a melt flow path (4) along a sprue (11) into a mold cavity (5), and allowing some of the plastic to overflow into a spill cavity (8) connected by valve means (9) to the mold cavity (page 3, paragraphs 36-38, 40-43). Eckardt also disclose that the injection element (14) maybe be utilized to inject with liquid or gas through a nozzle (10) into the region of the melt flow path (4).

Conclusion

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas (US Patent 6,579.489); Hildesson et al. (US Patent 6,372,177); and Gotterbauer (US Patent 5,759,479).
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (703) 305-4018. The examiner can normally be reached on M-F 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0651.

SEM June 30, 2003

SUZANNE E. MCDOWELL
PRIMARY EXAMINER

Sugarre & Mowell